

Bill No. XLIII of 2024

THE NATIONAL COMMITTEE FOR PROTECTION OF MEDIA PERSONS BILL, 2024

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Bill No. XLIII of 2024

THE NATIONAL COMMITTEE FOR PROTECTION OF MEDIA
PERSONS BILL, 2024

A

BILL

*to provide for the establishment of a National Committee for Protection of Media
Persons for the effective prevention of violence in cases related to arbitrary
censorship, intimidation, assault, or risk to free speech of media
and for matters connected therewith and incidental thereto.*

BE it enacted by the Parliament in the Seventy- fifth Year of the Republic of
India as follows: —

CHAPTER I

PRELIMINARY

- 5 **1.** (1) This Act may be called the National Committee for Protection of Media
Persons Act, 2024.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by
notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

- (i) “accredited media person” means a person who is accredited by the Central Government under prevailing accreditation rules with a purpose to facilitate the collection of news/ information;
- (ii) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government; 5
- (iii) “arbitrary censorship” means the suppression, prohibition, or control of information, communication and expression without proper and reasonable, legal or constitutional basis; 10
- 45 of 2023. (iv) “assault” shall have the same meaning as ascribed to it under Section 130 of the Bharatiya Nyaya Sanhita, 2023;
- (v) “Committee” means the National Committee for Protection of Media Persons constituted under section 6 of this Act;
- (vi) “Council” means the Executive Council of the Committee under section 10 of this Act; 15
- 45 of 2023. (vii) “intimidation” shall have the same meaning as ascribed to it under Section 130 of the Bharatiya Nyaya Sanhita, 2023;
- (viii) “media institution” includes any newspaper establishment registered under the Registrar of Newspapers for India, news channel establishment, news-based electronic media establishment, or news station or news portal establishment, professionally engaged in the collection, processing, and dissemination of information, views and opinion to the public as well as collection and dissemination of public opinion; 20 25
- (ix) “media person” means an employee or representative, of a media institution, either whole-time or part-time and includes an editor, writer, news editor, sub-editor, feature writer, copy-editor, reporter, correspondent, cartoonist, digital news publisher, news-photographer, news-videographer, copy-tester trainee media person, news gatherer, or a freelance journalist eligible to be accredited as freelance journalist under prevailing Central Media Accreditation Rules; 30
- (x) “newspaper” means a periodical of loosely folded sheets usually printed on newsprint and brought out daily or at least once in a week, containing information on current events, public news or comments on public news; 35
- (xi) “News and current affairs content” means newly received or noteworthy content, including analysis, especially about recent events primarily of socio-political, economic or cultural nature, made available over newspapers, internet or computer networks, and through any digital media, where the context, substance, purpose, import and meaning of such information is in the nature of news and current affairs content; 40
- (xii) “Register” means the Register for Media Persons maintained under Section 3 of this Act; 45
- (xiii) “prescribed” means prescribed by rules made under this Act; and
- (xiv) “violence” means an act which causes any harm, injury or endangerment of life or intimidation, obstruction or harassment or coercion or assault of criminal force or threat to journalist in discharge of his service or duties or causes to be the reason for damage or loss to the property or reputation of a journalist or a media institution. 50

CHAPTER II

REGISTER FOR MEDIA PERSONS

3. (1) **The Government shall maintain a Register for media persons (hereinafter referred to as the Register) in such form and manner as may be prescribed.**

Register for
media persons.

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47 of 2023.

(2) The Register shall be a public document, under section 74 of the Bharatiya Sakshya Adhiniyam, 2023 and shall be published on the website of the National Committee for Protection of Media Persons in the manner prescribed for this purpose.

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(3) Additions, deletions or alterations to the Register along with the effective date shall be reflected on the website within thirty days from the date of such change.

(4) Every person who is eligible under section 4 of this Act shall be eligible for registration as a media person.

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(5) Every person whose application has been accepted shall be given a registration number and the manner of assignment of such registration numbers shall be such as may be prescribed by the Committee constituted under section 6 of this Act.

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(6) Such registration shall be valid for a period of three years from the date of registration, for accredited media persons and two years for non-accredited media persons:

Provided that, after expiry of the validity of the registration period, the registration shall be eligible for renewal for an extended period equivalent to the initial period.

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(7) Registration under sub-section (1) will, however, not confer any benefits or entitlements other than those expressly provided in this Act.

4. (1) Every person practising and having at least one year of experience in journalism and fulfilling the below mentioned conditions shall be eligible for registration as a media person:—

Eligibility for
registration as a
media person.

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(a) at least six articles/ news and current affairs content, affiliated to, authored, or co-authored in his or her name and published by a Media Institution in the five months prior to the date of application for such registration; or

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(b) has received at least one payment from a Media Institution for compilation of news in the preceding five months; or

(c) has taken photographs related to current affairs that have been published by a Media Institution at least three times in the preceding three months; or

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(d) certified by a media institution as being employed by it as a media person, as defined in section 2 of this Act:

Provided that no employee of Government/ semi-Government/ board/corporation/ organisations which are wholly, or partially funded by the Government can apply for registration as a media person on the basis of publication of their articles in newspapers or magazines.

CHAPTER III

NATIONAL COMMITTEE FOR PROTECTION OF MEDIA PERSONS

Constitution
of the
National
Committee
for Protection
of Media
Persons.

5. (1) The Central Government shall, by notification in the Official Gazette, with effect from such date as it may appoint, constitute a Committee, to be known as the National Committee for Protection of Media Persons, to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act. 5
- (2) The Committee shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued. 10
- (3) The Committee shall comprise the following bodies:—
- (a) Executive Council.
- (b) Unit for Admitting Cases and Rapid Reaction. 15
- (c) Risk Evaluation Unit.
- (4) The headquarters of the Committee shall be at such place in the National Capital Territory of Delhi, and it shall have regional and other offices in any other place in India as the Central Government may by notification, specify. 20
- (5) The Cabinet Secretary of the Union Government shall be the *ex-officio* Secretary to the Committee.
- (6) The Central Government may appoint such number of officers and staff including experts to the Committee, as may be required for its efficient functioning. 25

Objectives
and Functions
of the
Committee.

6. The Committee shall exercise and perform the following functions: —
- (a) protect the rights of media persons and media institutions guaranteed under article 19 (1) (a) of the Constitution;
- (b) provide necessary protection to:
- (i) media person(s) or media institution(s) who are facing arbitrary censorship, intimidation, violence, assault, or risk, either physical or verbal; 30
- (ii) partner by marriage or otherwise, any next of kin or dependents of the media person;
- (iii) persons from the same media institution, who participate, collaborate or associate in the same or similar activities; and 35
- (iv) property, goods or other objects belonging to the media person(s), group, institution.
- (c) to direct, coordinate, evaluate and review specific actions that ensure that those media persons and media institutions, who are at risk in the performance of their work or profession, are provided with the necessary conditions to continue their activities; 40
- (d) to enquire and investigate into violence upon media persons and media institutions or threats and risks to them and pass appropriate directions to the concerned authorities for their protection; 45
- (e) to summon relevant authorities and call for relevant documents in connection with enquiries and investigation, the passing of appropriate directions of protection and prevention, and the evaluation and review of such orders; and
- (f) any other functions as assigned to it by the Central Government from time to time. 50

7. (1) The Committee shall serve as the designated authority for monitoring the registration of media persons.

Committee to be the authority for registration of Media Persons.

(2) The Committee shall be vested with the power to determine the following matters: —

- 5 (a) all applications received for registration as a media person;
- (b) all applications for renewal of registration as a media person;
- (c) additions, deletions or alterations of entries in the Register, specified under section 3 of the Act; and
- 10 (d) revocation of registration in case of non-compliance with established rules and regulations.

(3) The Committee shall conduct annual reviews of the Register, and may, as necessary, modify, update or correct entries to ensure its accuracy and completeness.

15 (4) The Committee shall meet at such regular intervals, as may be prescribed, for evaluation and determination of the applications received for registration and renewal of registration.

(5) The Committee may, from time to time, issue guidelines or directives to administer the registration process and to ensure compliance with the objectives and provisions of this Act.

20 (6) The Committee shall have the power to revoke the registration of a media person and strike-off the name of such person from the Register if, it comes to the conclusion, on the basis of an enquiry conducted thereon, that the registration was erroneous or was done as a result of material misrepresentation, suppression of facts or fraud:

25 Provided that no such action shall be taken without giving notice and affording a reasonable opportunity of hearing to the concerned media person, in such form and manner as may be prescribed.

8. (1) For the purpose of performing its functions or holding any inquiry under this Act, the Committee shall have the same powers throughout the country as are vested with a civil court while trial of a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely: —

General Powers of the Committee.

5 of 1908.

- 30 (a) summoning and enforcing the attendance of persons and examining them on oath;
- (b) disclosure and inspection of documents;
- 35 (c) receiving evidence on affidavits; and
- (d) requisitioning any public record or copies thereof from any office or court;

40 (2) The Committee shall have the power to recommend emergency protection measures and protection plans to the Superintendent of Police of the district concerned, who in turn will take appropriate decision as per the extant provisions of the prevailing Act/ Rules/ Regulations in this regard.

(3) The Committee shall have the power to regulate its own procedure.

45 9. (1) All Government authorities and persons employed by the appropriate Government shall provide all information called for by the Committee unless the information is protected from disclosure by law.

Appropriate Government assistance.

(2) The appropriate Government shall provide all necessary assistance to the Committee in discharging its duties and functions efficiently.

10. (1) The Executive Council shall be the governing body of the Committee and shall consist of the following persons to be appointed by the President of India by warrant under his hand and seal, namely:—
- (a) a person, who has been the Chief Justice of India, - Chairperson;
 - (b) one person who has been a judge of the Supreme Court, - Member; 5
 - (c) Chairperson of the Press Council of India, - Member, *ex-officio*;
 - (d) Six media persons, with ten or more years of experience, out of which at least three shall be women, - Members;
 - (e) two persons, who are representatives of civil society organisations with a mandate to secure Freedom of Speech and Expression, out of which at least one shall be a woman, - Members; 10
 - (f) one person, not below the rank of Joint Secretary to the Government of India, to represent the Ministry of Information and Broadcasting, to be nominated by the Minister in-charge of that Ministry, - Member, *ex-officio*; and 15
 - (g) one person not below the rank of Joint Secretary to the Government of India, to represent the Ministry of Home Affairs, to be nominated by the Minister in-charge of that Ministry, - Member, *ex-officio*.
- (2) Every appointment under sub-section (1) shall be made after obtaining the recommendations of a Selection Committee consisting of: — 20
- (a) the Vice President of India and *ex-officio* Chairman of the Council of States (Rajya Sabha);
 - (b) the Chief Justice of India;
 - (c) the Speaker of the House of the People (Lok Sabha);
 - (d) the Leader of the Opposition in the Council of States (Rajya Sabha) or where there is no such Leader of the Opposition, then, the Leader of the single largest party in opposition to the Government in the Council of States; and 25
 - (e) the Leader of the Opposition in the House of the People (Lok Sabha) or where there is no such Leader of the Opposition, then, the Leader of the single largest party in opposition to the Government in the House of the People: 30
- Provided that no appointment under this sub-section shall be made in the absence of consensus between at least three members.
11. (1) A person appointed as the Chairperson of the Council shall hold office for a term of three years from the date, he enters office or until he attains the age of seventy years, whichever is earlier. 35
- (2) A person appointed as a Member of the Council shall hold office for a term of three years from the date, he enters office or until he attains the age of seventy years, and shall be eligible for re-appointment. 40
- (3) **The salaries and allowances payable to, and other terms and conditions of service of the Chairperson and Members of the Council as well as officers, staff and experts of the Committee shall be such as may be prescribed.**
12. (1) The Chairperson or any Member of the Council may, by notice in writing under his hand addressed to the President of India, resign from his office. 45

	(2) A member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Committee, from three consecutive meetings of the Committee.	
5	(3) The Chairperson or any Member shall not be removed from office except by an order made by the President on the ground of their proved misbehaviour or incapacity, after an enquiry made by a Judge of the Supreme Court in which such a Chairperson or Member has been informed of the charges against them and given a reasonable opportunity of being heard in respect of those charges.	Conditions for the appointment and continuation of Chairperson and Members: Disqualifications, Resignation, Removal, and filling of vacancy(ies).
10	(4) A person shall be disqualified for being appointed and continued as the Chairperson or a Member, if he—	
	(a) has been adjudged as an insolvent;	
	(b) has been convicted and sentenced to imprisonment for an offence, which in the opinion of the President, on the advice of the Selection Committee, involves moral turpitude;	
15	(c) has become physically or mentally incapable of acting in such capacity;	
	(d) has acquired such financial or other interest, which is likely to affect prejudicially his functions in such capacity; or	
20	(e) has so abused his position as to render his continuance in office prejudicial to the public interest.	
	(5) A vacancy caused by the resignation or removal or death of the Chairperson or any other Member, or otherwise, shall be filled by fresh appointment in accordance with the provisions of section 10.	
25	13. (1) No act or proceeding of the Council shall be invalid merely by reason of:—	Vacancy, etc., not to invalidate proceedings of the Council.
	(a) any vacancy, or any defect in the constitution of the Council; or	
	(b) any defect in the appointment of a person acting as the Chairperson; or a Member; or	
30	(c) any irregularity in the procedure of the Council not affecting the merits of the case.	
	14. (1) The Council shall meet not less than once in every three months in a year at such time and place as may be determined by the Chairperson.	Meetings of the Council.
35	(2) The Chairperson shall preside over the meeting of the Council and if, for any reason, the Chairperson is unable to attend the meeting of the Council, the Chairperson of the Press Council of India, shall preside over the meeting:	
	Provided that if, the Chairperson of the Committee and the Chairperson of the Press Council of India both are unable to attend the meeting, any member so appointed by the Chairperson of the Council shall preside over the meeting.	
40	(3) One-half of the total number of Members of the Council including the Chairperson shall constitute the quorum and all the acts of the Committee shall be decided by a majority of the members present.	
45	(4) If on any matter there is an equality of voting among the members of the Committee, the Chairperson shall have and exercise the casting vote.	
	(5) At all times of voting, there should be at least two representatives of the Press as well as 2 from the Civil Society Organizations, who have worked in this field for at least ten years and have experience in the defence of freedom of speech and expression.	

15. (1) The Unit for Admitting Cases and Rapid Reaction shall be responsible for:—
- (a) receiving applications for consideration by the Committee, receiving information from the Committee on cases of which it has taken *suo-moto* cognizance, and receiving information from the police where a Media Person or Media Institution faces imminent arrest; 5
 - (b) conducting an evaluation for immediate action to determine whether cases require Extraordinary or Ordinary Procedure; and
 - (c) defining and implementing urgent protection measures.
- (2) Any media person or media institution facing arbitrary censorship, intimidation, violence, assault, or risk; physical or verbal, as defined in section 2, as a result of his or her profession, or a third party on behalf of such a person, may apply or communicate with the Committee through the Unit for Admitting Cases and Rapid Reaction. 10
- (3) Any criminal cases involving arrest or imprisonment of a media person or media institution shall be placed before the Unit for Admitting Cases and Rapid Reaction by the concerned police department: 15
- Provided that no arrest shall be made unless it is sanctioned by the Committee.
- Provided further that the evaluation as to whether the accused in a criminal case qualifies to be a media person or media institution shall be made by the Committee. 20
- (4) The Unit for Admitting Cases and Rapid Reaction shall accept the application of the Petitioner, or information forwarded to the Unit by the Committee, and shall conduct an Evaluation for Immediate Action. 25
- (5) In the event that it is determined, through a thorough assessment, that a person's life, physical integrity, or liberty is in imminent danger, Extraordinary Procedures may be employed in the case, and the Unit for Admitting Cases and Rapid Reaction shall take the following steps: —
- (a) determine the Urgent Protection Measure to be used, no later than three hours after receiving the application or the information; 30
 - (b) implement the Urgent Protection Measure no later than nine hours after they have been determined;
 - (c) conduct a simultaneous evaluation of the Urgent Protection Measure; 35
 - (d) submit a report of the evaluation and action taken to the Council; and
 - (e) forward the case to the Risk Evaluation Unit for determination of the Protection Plan, as in Ordinary Procedures.
- (6) If it is determined that there is a *prima facie* assault or a threat against a media person or media institution, but no person's life, physical integrity, or liberty is in imminent danger, Ordinary Procedures shall be employed, and the Unit for Admitting Cases and Rapid Reaction shall forward the case to the Risk Evaluation Unit. 40

16. The Risk Evaluation Unit shall be responsible for:— 45
- (a) undertaking a Risk Assessment Study to analyse the determinants of risk levels applicable to the applicant or a prospective beneficiary, incorporating elements of gender-specific dangers;
 - (b) proposing protective and preventive measures;
 - (c) forwarding the findings of the study to the Executive Council no later than ten days after receipt of the application; and 50
 - (d) determining the Protection Plan, no later than one week after receipt of the study.

17.	(1) When the Committee is <i>prima facie</i> of the view that it is expedient to extend protection to a media person or institution in situations where: —	Protection from unfair prosecution.
	(a) there lies allegations or investigation against a media person or media institution; or	
5	(b) there is an ongoing investigation, inquiry or trial involving a media person, or;	
	(c) the material produced before it requires such intervention;	
	shall direct the Superintendent of Police of the district concerned to supervise the investigation and submit a report within fifteen days.	
10	(2) If the district Superintendent of Police, in consultation with the District Prosecution Officer, is of the opinion that the case is fit for withdrawal from prosecution, it shall recommend the same to the Committee, which in turn shall forward its report to the appropriate Government requesting to take necessary action for withdrawal of the prosecution.	
15	18. Notwithstanding any other Act currently in force, no media person or media institution while engaged in a news-gathering capacity, shall be compelled to disclose in any legal proceeding or trial, before any court, before the presiding officer of any tribunal, or before any committee or elsewhere, the sources of any information procured or obtained by him and published in the newspaper, periodical or website, broadcast by any broadcasting station, or televised by any television station in which he is engaged, connected with or employed.	
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25	19. The Central Government shall, after due appropriation made by Parliament by law on this behalf, grant such sums of money to the Committee, as it may think fit, for carrying out the purposes of this Act.	Privileged Communication.
30	20. (1) The Council shall prepare once in every year, in such form, manner and at such time as may be prescribed, an annual report giving a full account of the activities of the Committee during the previous year and such other reports and returns, as may be directed, and copies of such report and returns shall be forwarded to the Central Government.	Central Government to provide adequate funds to the Committee.
	(2) A copy of the annual report and returns received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.	
35	21. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of the said Act as appear to it to be necessary or expedient for removing the difficulty:	Power to remove difficulties.
	Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.	
40	(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.	
45	22. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.	Power to make rules.
	(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.	
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STATEMENT OF OBJECTS AND REASONS

Media is the fourth estate of Indian democracy. In *Romesh Thapar vs State of Madras* and *Brij Bhushan vs State of Delhi*, the Supreme Court held that the freedom of press is an integral part of freedom of speech and expression guaranteed under article 19 (1) (a) of the Constitution. Article 19 of Universal Declaration and International Covenant on Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), as well as international standards including the Council of Europe's Platform to Promote the Protection of Journalism and the Safety of Journalists, Organisation of American States, International Declaration on Protection of Journalists Organisation for Security and Cooperation in Europe, etc. recognize that in a democratic society, the media should be simultaneously free and responsible.

India featured in the Reporters Without Borders (RSF) list of five deadliest countries in December, 2020. In 2023, India's ranking in the Press Freedom Index slipped from 140 in 2014 to 161, out of 180 countries. A study by Thakur Foundation shows that at least 198 serious attacks were recorded on press reporters between 2014 to 2019, and of these, 36 happened in 2019 alone. In 40 of these, journalists were killed. While the Government has committed to creating an enabling environment for independent press, suitable steps are required to safeguard journalist against increased violence, threats, denigration, arbitrary arrests and detention. The stakes of inaction are of the gravest nature both in human terms - a matter of life and death, even – and in democratic terms, due to the chilling effect on the very voices that permit citizens to form their opinions and ensure accountability. While the report of the Index Monitoring Cell did nothing to address issues of censorship, intimidation by agencies, etc. of media persons, recommendations of the Law Commission on journalistic privileges has also not been codified into law.

Therefore, there is an urgent need for a uniform and centralised legislation to monitor threats and violence against media persons and protect their rights and freedoms.

In view of the reasons stated, it is proposed to enact a legislation to provide for: —

- (i) a Register for Media Persons; and
- (ii) a National Committee for Protection of Media Persons comprising of an Executive Council, a Unit for admitting cases and a rapid Reaction and a Risk Evaluation Unit- to conduct case specific evaluation, enquire and investigate and provide necessary protection to media persons and media institutions.

The Bill seeks to achieve the above objectives

MOHAMMED NADIMUL HAQUE.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the maintenance of a Register for Media Persons, while Clause 5 provides for the setting up of a National Committee for Protection of Media Persons and appointment of such number of officers, staff and experts thereto, as may be required, for the efficient discharge of its functions. Clause 11 provides for the salaries and allowances payable to as well as other terms and conditions of service of the Chairperson and Members of the Council as also to the officers, staff and experts. Clause 19 provides that the Central Government, shall after due appropriation made by Parliament by law in this behalf, grant such sums of money to the Committee, as it may think fit for carrying out the purposes of this Bill.

Therefore, the Bill, if enacted, would involve expenditure both of recurring and non-recurring nature from the Consolidated Fund of India. However, it is not possible at this juncture to estimate the exact expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Central Government to make provisions through an order to remove any difficulties likely to arise in giving effect to the provisions of the Bill, after its enactment. Clause 22 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules and order(s) will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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BILL

to provide for the establishment of a National Committee for Protection of Media Persons for the effective prevention of violence in cases related to arbitrary censorship, intimidation, assault, or risk to free speech of Media and for matters connected therewith and incidental thereto.

(Shri Mohammed Nadimul Haque, M.P.)